

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

MARIA DALBOTTEN,

Plaintiff,

v.

C. R. BARD, INC. and BARD
PERIPHERAL VASCULAR, INC.,

Defendants.

Case No. 1:20-cv-00034-SPW

**ORDER GRANTING
DEFENDANTS' MOTION TO
ADOPT MDL COURT ORDER ON
BARD'S MOTION TO EXCLUDE
PLAINTIFF'S GENERAL
EXPERTS' OPINIONS AND
DISQUALIFY CERTAIN OF
PLAINTIFF'S EXPERTS**

On February 3, 2022, Defendants C.R. Bard, Inc. and Bard Peripheral Vascular Inc. (collectively "Defendants") filed and served Plaintiff with Defendants' Motion to Adopt MDL Court Order on Bard's Motion to Exclude Plaintiff's General Experts' Opinions and Disqualify Certain of Plaintiff's Experts and supporting brief. *See* Docs. 94 & 95. Plaintiff failed to file a timely response.

Pursuant to L.R. 7.1(d)(1)(B)(ii), "failure to file a response brief may be deemed an admission that the motion is well-taken." Accordingly, the Court deems Plaintiff's failure to respond as an admission that the motion is well-taken. In addition, the Court has reviewed the materials, arguments, and authorities submitted by Defendants in support of their Motion and finds that the requested

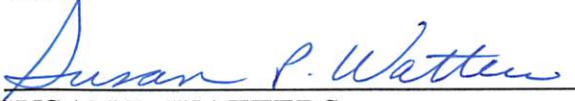
relief is warranted. It is reasonable that instead of re-litigating the admissibility of the opinions of each of Plaintiff's general experts, this Court adopts the orders entered in the multi-district litigation proceeding before the Honorable David G. Campbell in the United States District Court for the District of Arizona, *In Re: Bard IVC Filters Products Liability Litigation*, No. 2:15-MD-02641-PHX-DGC (D. Ariz.) on the Motions listed below:

- Bard's Motion to Exclude the Opinions of Rebecca Betensky, Ph.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of Mark J. Eisenberg, M.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of David Garcia, M.D. and Michael Streiff, M.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of David Kessler, M.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of Thomas Kinney, M.D., Anne Christine Roberts, M.D., and Sanjeeva Kalva, M.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of Robert M. McMeeking, Ph.D., and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of Suzanne Parisian, M.D. and Memorandum of Law in Support;
- Bard's Motion to Exclude the Opinions of Robert O. Ritchie, Ph.D. and Memorandum of Law in Support;
- Bard's Motion to Disqualify Robert Vogelzang, M.D. and Kush Desai, M.D. as Testifying Experts and Memorandum of Law in Support

Based upon the foregoing,

IT IS HEREBY ORDERED that Defendants' Motion to Adopt MDL Court Order on Bard's Motion to Exclude Plaintiff's General Experts' Opinions and Disqualify Certain of Plaintiff's Experts is GRANTED.

DATED this 24th day of May, 2022.


SUSAN P. WATTERS
United States District Court Judge